

Decision 01-12-007 December 11, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas & Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.

Rulemaking 00-10-002
(Filed October 5, 2000)

Category M

**OPINION MODIFYING DECISION 01-09-020
TO ADD ONE CUSTOMER TO CATEGORY M**

Decision (D.) 01-09-020 grants Category M status to 404 customers. For the reasons explained in that decision, incomplete applications were not considered. (See D.01-09-020 at mimeo. page 21.) Staff has now found an additional complete and timely application from one customer (referred to herein as applicant) which was previously believed to be incomplete. This decision grants Category M status to this customer.

1. Discussion

Staff reports that applicant's risk index score qualifies applicant for Category M status. The score is calculated using the same approach employed for all other applicants, as described in D.01-09-020. That is, the score is based on self-reported answers in the application, and the formula developed by Exponent (the Commission's consultant and advisor on this matter). Staff also applied

Exponent's additional screening criteria, and determined that applicant should not be removed from consideration for Category M based on those criteria.

Staff identifies applicant in the category of "outpatient surgery/dentist." Staff states that correcting the error and granting this one applicant Category M status will not jeopardize the 40% minimum load available for rotating outage criterion, nor will it affect the status of any other applicant.

Based on this information, we conclude that an error was made in the processing of one Category M application, and that the error should be corrected.

2. Need for Expedited Consideration

We balance the public interest in quickly modifying D.01-09-020 to correct a processing error in one application against the public interest in having a full 30-day comment cycle on the proposed modification. (Rule 77.7(f)(9) of the Commission's Rules of Practice and Procedure.) We conclude that the former outweighs the latter. Absent a reduction in the comment cycle on this proposed modification, applicant would potentially be exposed to rotating outages, should any occur, and significant harm to public health or welfare could result. We seek valuable public review of, and comment on, our proposed change, and find that a reduced period balances the need for that input with the need for timely action.

3. Comments on Draft Decision

On November 20, 2001, the draft decision of Presiding Officer and Assigned Commissioner Wood on this matter was served on, or notice of the draft decision was provided to, parties in accordance with Section 1708 of the Public Utilities Code, and Rule 77.7. The draft decision was served by electronic mail on parties with electronic mail addresses. The draft decision was also published on the Commission's web page, and notice of the draft decision appeared in the Commission's Daily Calendar.

Comments were due by December 5, 2001. No comments were filed.

Findings of Fact

1. One timely and complete application was incorrectly processed.
2. Applicant's risk index score qualifies applicant for Category M status, with no screening criterion resulting in removal of applicant from consideration.
3. The inclusion of applicant in Category M will neither jeopardize the 40% minimum load criterion, nor the status of any other Category M customer.

Conclusions of Law

1. D.01-09-020 should be modified to grant applicant Category M status.
2. The period for public review and comment on the draft decision should be reduced, pursuant to Rule 77.7(f)(9).
3. This order should be effective today so that Category M status may be provided to applicant, and public health and welfare preserved, without delay.

O R D E R

IT IS ORDERED that:

1. Decision 01-09-020 is modified as follows:
 - a. The first full sentence in Section 1, paragraph 4, is changed to read: "We find 405 customers eligible for Category M." Footnote 1 is unchanged.
 - b. Section 12 is added at mimeo., page 32 as follows:

"12. Correction
After the release of D.01-09-020, one additional timely and complete application was discovered. Using the same approach that was used for all other applicants, applicant's risk index score qualifies applicant for Category M status, with none of the screening criteria resulting in removal of

applicant from consideration for Category M. Inclusion of applicant in Category M will neither jeopardize the 40% minimum load available for rotating outage criterion, nor affect the status of any other applicant. We modify Attachment B accordingly.”

c. Findings of Fact 44 and 45 are added:

“44. One applicant whose application was initially believed to be incomplete was complete as of the June 4, 2001 deadline.”

“45. This one applicant’s risk index score qualifies applicant for Category M, applicant is not removed from consideration based on screening criteria used for all similar applicants, and inclusion of this applicant in Category M neither jeopardizes the 40% minimum load criterion, nor affects the status of any other applicant.”

d. Conclusion of Law 34 is added:

“23. The one applicant whose application was believed to be incomplete, but which was actually complete by the June 4, 2001 deadline, should be granted Category M status.”

e. Attachment B is modified to add after line number 404:

Line No.	FW	Application No.	Company Name	Utility	Business	Statement of Authenticity Yes/No
405		None	David L. Dains, DDS	SCE	Outpatient Surgery/Dentist	Yes

2. This proceeding remains open.

This order is effective today.

Dated December 11, 2001, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE

R.00-10-002 COM/CXW/sid *

RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners

CERTIFICATE OF SERVICE

I certify that I have this day served by mail a true copy of the original attached Decision 01-12-007 of Commissioner Wood Modifying Decision 01-09-020 to add One Customer to Category M on Southern California Edison Company and David L. Dains, and I have electronically mailed a true copy of the above document to all parties of record in this proceeding or their attorneys of record.

Dated December 12, 2001, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.